

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

DIVISION OF HABITAT

SARAH PALIN, GOVERNOR

*Douglas Island Center Building
802 3rd Street, Douglas
P.O. BOX 110024
JUNEAU, AK 99811-0024
PHONE: (907) 465-4105
FAX: (907) 465-4759*

FISH HABITAT PERMIT FH08-I-0150-SA

ISSUED: February 12, 2009

Mr Dave Palmer, Manager
Juneau International Airport
1873 Shell Simmons Drive
Juneau, Alaska 99801

RE: Juneau International Airport
MALSR and Lead-In Lights
Mendenhall Wetlands State Game Refuge
T. 40 S., R. 66 E., Sec. 32, T 40 S., R. 65 E., Sec 36 (Juneau B-2 SW)
State ID AK 0808-03J, FH08-I-0116-SA, FH08-I-0002, FH08-I-0003, FH08-I-0010

Dear Mr. Palmer:

Pursuant to AS 16.05.871, AS 16.20.060, and 5 AAC 95.700, the Alaska Department of Fish and Game (ADF&G), Division of Habitat has reviewed your request to install a new Runway 26 medium intensity approach lighting system (MALSR) with runway alignment indicator lights and upgrade an existing system for Runway 08 at the Juneau International Airport (JNU). The purpose of the MALSR lights project is to improve safety for aircraft landing and departing from JNU. The Mendenhall Wetlands State Game Refuge (MWSGR) surrounds JNU on three sides, and this project will primarily take place on refuge land. Consequently, the project will require a Special Areas permit from ADF&G.

Background and Project Description

The Juneau International Airport (JNU) has proposed a number of projects to enhance airport capacity and efficiency and to meet Federal Aviation Administration (FAA) requirements. These projects are described as the "Agency Preferred Alternatives" in the Juneau International Airport Final Environmental Impact Statement, April 2007 (FEIS Section 2.13.2). The MALSR project was described in the FEIS, but to address concerns about access for servicing the lights raised by ADF&G and ADNR, the scope of the project has since expanded to include an access easement across refuge land and at-grade approach and service roads for the Runway 08 MALSR. Although JNU has applied for permits and will contract to have the project built, the MALSR lights and associated facilities will be owned and maintained by the FAA.

This project will affect about 5.8 acres of refuge land. The runway 26 MALSR system on refuge land will include 9 elevated light arrays supported by driven steel piles and spaced at 200 foot intervals, an at-grade service road including four pre-cast concrete bottomless arch culverts bridging the relocated

East Runway Slough and two 30 feet by 30 feet vehicle turn-arounds, buried electrical and communications cables along side the service road, and an elevated control building 10 feet by 14 feet.

A drawing and explanation submitted by JNU permitting agent, Tom Carson, dated August 4, 2008 depicts the location of the runway 08 MALSR lights and associated infrastructure. The project on refuge land will replace 10 existing light arrays on creosote piles with new arrays on driven steel piles similar to the runway 26 MALSR. Locations of some lights will be shifted to accommodate changes in the runway threshold, but all lights will remain within the current alignment. An at-grade service road with 30 feet by 30 feet vehicle turn-arounds at each end will be constructed from the 1,600 foot MALSR westward to the final alignment light. To provide access across a tidal slough east of the 1,600 foot MALSR, a pile supported metal bridge 5 feet wide and between 30 and 100 feet long will be built. East of the bridge an at-grade all terrain vehicle (ATV) trail 5 feet-wide with a turn-around 8 feet by 8 feet will be built. Power and communications cables will be buried in a trench along side the service road. To access the service road from the refuge boundary an at-grade approach road will be built along the route marked and approved by ADF&G biologist, Tom Schumacher, during a site visit on August 1, 2008. All at-grade roads will have similar construction. A trench 12 feet wide and 12 inches deep will be excavated, a geo-web honeycomb material will be laid on top of geotextile fabric in the trench, backfilled, and topped to a depth of 2-4 inches with native soil. The hardened roadbed will be marked with fiberglass wands and allowed to naturally re-vegetate. The ATV trail will be built using the same techniques as the approach and access roads.

The 1,000 foot MALSR light will be placed on the eastern bank of the Mendenhall River reducing the navigable width of the river. To accommodate barge traffic about 6,900 cubic yards of material will be excavated from 0.2 acres of refuge land on the west bank to create a river channel 160 feet wide. Excavated material will be removed from the refuge, and the newly exposed river bank adjacent to the MALSR light will be protected with rip rap, bio-engineered bank stabilization, or a combination of the two techniques. Sedimentation of the Mendenhall River will be controlled using the plan described in an e-mail to Carrie Bohan dated September 17, 2008. Under that plan a temporary rip rap wall will be built upstream of the worksite as a barrier to river current, and the river bank to be excavated will be sequestered from the main river using a silt fence on soldier pilings.

Currently the FAA has a buried back-up electrical cable for the 08 MALSR. That cable enters the MWSGR near the FAA gate at the end of a private road on adjacent land and runs about 900 feet south to the 08 MALSR lights. The FAA holds a utility easement for that cable. Because the current MALSR project will install new electrical service from a different location, the FAA will vacate their easement for this cable, and if ADF&G determines the benefit of removing the abandoned cable outweighs habitat disturbance resulting from its removal, the cable will be removed. We considered the potential effects of this work during this ACMP review and found it consistent with the ACMP. Removal of that cable will be addressed by a different permit.

Compensation for changes to 5.8 acres of refuge habitat brought about by this project is addressed in the Mitigation Plan dated July 24, 2008. Because this project will involve changes to habitat, not elimination of habitat, the potential benefits to the refuge offered by the mitigation plan will sufficiently compensate ADF&G.

JNU plans to allow the successful bidder for this project to develop construction scheduling, sequencing, and techniques. Because that information will not be available at the time this permit is

issued, ADF&G will require that the successful bidder obtain ADF&G approval of the final slough design and construction plan at least 30 days prior to beginning work. That construction plan will include designating a work area for the portion of the project widening the river. Machinery will not operate outside of that area.

Coastal Consistency Requirements

Your project was found consistent with the Standards of the Alaska Coastal Management Program on October 1, 2008 under State ID number 0808-03J.

In accordance with AS 16.20.060, AS 16.05.871, and 11 AAC 110, your project is approved subject to the project description, standard alternative measures, and the terms of this permit.

1. To minimize effects on anadromous fish and disturbance to migrating waterfowl and waterfowl hunters, excavation of the bank of the Mendenhall River shall occur from January 1st to March 15th.
2. To minimize effects on anadromous fish and disturbance to migrating waterfowl and waterfowl hunters, installation of culverts in the new channel of East Runway Slough shall occur from November 1 – March 15.
3. Excavation in tidal areas and within the Mendenhall River shall take place during low tides when the sites are most dewatered.
4. Machinery operating on the MWSGR shall operate only within the utility and access easements and work area designated for widening the Mendenhall River.
5. Petroleum product spill clean-up materials (absorbent pads, buckets, shovels, etc.) shall be available on site when mechanical equipment is used.
6. Servicing and re-fueling of equipment shall not be conducted on lands of the MWSGR.
7. Equipment leaking fuel, oil, hydraulic fluid or other pollutants shall not be operated within the bounds of the MWSGR. Any petroleum product spills within the Refuge shall be cleaned up immediately, and contaminated earth, debris, or other materials shall be disposed of as required by the Alaska Department of Environmental Conservation regulations.

The integrity of the armored river bank adjacent to the 1,220 foot MALSR light, the bridge over the tidal slough between the 1,600 foot and 1,400 foot MALSR lights, and the bottomless arch culverts in the new East Runway Slough must be maintained for the life of the MALSR system in accordance with the terms and conditions of this permit so that free passage of fish is assured. Any obstruction to the free passage of fish must be restored to the satisfaction of ADF&G.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify ADF&G and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of 5 AAC 95 and AS 16.05.871(d). This permit must be retained on site during construction. This permit provides reasonable notice from the commissioner that failure to meet its terms and conditions constitutes violation of AS 16.05.861; no separate notice under AS 16.05.861 is required before citation for violation of AS 16.05.871 can occur. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies also may have jurisdiction under their respective authorities. This approval does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use that the commissioner determines may be expected to result from, or which actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit condition or a provision of 5 AAC 95, AS 16.05.871(b); or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.


Pursuant to 11 AAC 112.020(b)(2), the conditions of this permit are consistent with the standards of the Alaska Coastal Management Program.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

If you have any questions regarding this permit, please contact Tom Schumacher at (907) 465-4346 or email tom.schumacher@alaska.gov.

Sincerely,
Denby Lloyd
Commissioner


for Jackie Timothy
Regional Supervisor
Division of Habitat

Email cc:

Al Ott, ADF&G Habitat, Fairbanks
Ryan Scott, ADF&G, Douglas
Brian Glynn, ADF&G, Douglas

Kevin Monagle, ADF&G, Douglas
Mark Fink, ADF&G, Anchorage
Jim Anderson, ADNR, Juneau
Fran Roche, ADEC, Juneau
Erin Allee, ADNR/DCOM, Juneau
Randy Vigil, COE, Juneau
Chiska Derr, NMFS, Juneau
Richard Enriquez, USFWS, Juneau
Chris Meade, EPA, Juneau
Teri Camery, Juneau Coastal District
Lt. Todd Sharp, AWT, Juneau
Tom Carson, Carson-Dorn Inc., Juneau